

Appl. No. 10/821,052

Amdt. Date: January 12, 2009

Reply to Office action: January 27, 2009

**Amendments to the Claims:**

This listing of the claims will replace all prior versions, and listings, of the claims in the application.

**Listing of Claims:**

Please amend the claims as follows without prejudice. No new matter has been added by way of these amendments.

Claim 1 (Currently Amended) A method for accurately conveying wireless connection availability through a tower in a defined area comprising:

determining a maximum call connection capacity of the tower;

establishing multiple threshold calling activity levels of the tower, the threshold levels beginning with an initial threshold level at a predetermine call connection count and having one or more threshold levels up to the maximum call connection capacity;

monitoring calling activity through the tower by maintaining a constant count of wireless devices that are connected through the tower;

detecting when the calling activity has exceeded a threshold calling activity level of said multiple threshold calling activity levels for the tower;

identifying the threshold calling activity level that is closest to the detected calling activity that has been exceeded by the detected calling activity; and

broadcasting a connection availability message based on detected calling activity resulting from a maintained constant count of wireless devices connected through the tower by varying the frequency of broadcast broadcasted of the connection availability message and varying the sequence of a broadcast signal representing the connection availability message which reflects ~~and particular technique of broadcasting the connection availability message, reflecting~~ the closest calling activity threshold level closest to the detected calling activity that has been exceeded by the detected calling activity.

Claim 2 (Canceled)

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Claim 3 (Canceled)

Claim 4 (Previously Presented) The method as described in claim 1 further comprising after said broadcasting of a connection availability message detecting, receiving and displaying the broadcasted message at a wireless device in the area of the tower.

Claim 5 (Previously Presented) The method as described in claim 4 wherein the display of the broadcasted message is a periodic event on the wireless device based on detected calling activity at the tower, the broadcasted message indicating the calling availability through that tower.

Claim 6 (Canceled)

Claim 7 (Canceled)

Claim 8 (Canceled)

Claim 9 (Canceled)

Claim 10 (Currently Amended) A system and system for accurately conveying wireless connection availability comprising:

- a telephone tower for use in connecting wireless devices;

- a software routine encoded in a computer readable medium within the telephone tower, said software routine capable of:

- maintaining a constant count of devices that are connected through the tower;

- detecting when the maintained constant count of wireless devices connected via the tower exceeds a predetermined threshold level;

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identifying the a the threshold calling activity level that is closest threshold calling activity level to the detected calling activity that has been exceeded by the detected calling activity;

broadcasting a connection availability message based on detected calling activity resulting from a maintained constant count of wireless devices connected through the tower by varying the frequency of broadcast broadcasted of the connection availability message and varying the sequence of a broadcast signal representing the connection availability message which reflects and particular technique of broadcasting the connection availability message, reflecting the closest calling activity threshold level closest to the detected calling activity that has been exceeded by the detected calling activity;

a wireless device for use in communicating via the telephone control tower; and

a software routine encoded in a computer readable medium within the wireless device for detecting, receiving and displaying connection availability via the tower.

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Claim 11 (Currently Amended) A computer program product stored in a computer readable medium encoded with a computer program for accurately conveying wireless connection availability through a tower in a defined area comprising:

instructions determining a maximum call connection capacity of the tower;

instructions establishing multiple threshold calling activity levels of the tower based on the maximum call connection capacity of the tower;

instructions monitoring calling activity through the tower by maintaining a constant count of wireless devices that are connected through the tower; and

instructions detecting when the calling activity has exceeded an established threshold calling activity level for that tower;

instructions identifying the calling activity threshold level that is the threshold calling activity level closest to the detected calling activity that has been exceeded by the detected calling activity; and

instructions broadcasting a connection availability message based on detected calling activity resulting from a maintained constant count of wireless devices connected through the tower by varying the frequency of broadcast ~~broadcasted of the connection availability message and varying the sequence of a broadcast signal representing the connection availability message which reflects~~ ~~and particular technique of broadcasting the connection availability message, reflecting~~ the closest calling activity threshold level closest to the detected calling activity that has been exceeded by the detected calling activity.

Claim 12 (Canceled)

Claim 13 (Canceled)

Claim 14 (Previously presented) The computer program product as described in claim 11 further comprising after said broadcasting instructions, instructions detecting, receiving and displaying the broadcasted message at a wireless device in the area of the tower.

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Claim 15 (Currently amendment) The computer program product as described in claim 11 wherein said threshold establishing instructions further comprise instructions for establishing multiple threshold levels, the multiple threshold levels beginning with an initial threshold level at a predetermine call connection count and one or more threshold levels up to the maximum call connection capacity.

Claim 16 (Canceled)

Claim 17 (Canceled)

Claim 18 (Canceled)

Claim 19 (Previously presented) The method as described in claim 1 wherein said establishing multiple call activity levels further comprises establishing an initial threshold level at a predetermine call connection count and having two or more threshold levels up to the maximum call connection capacity.